

Patrick Shannon

July 25, 2017

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Filed: 8/2/17

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CHARLES BUTLER
United States Department of Justice
PO Box 683
Washington, DC 20001

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NOTICE RE FILING OF ORIGINAL DEPOSITION

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Case Name: USA v. Gould
Venue: USDC/WDW/Seattle
Cause: No. 2:16-cv-1041-TSZ
Witness: PATRICK SHANNON
Taken: July 25, 2017

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Enclosed is original sealed transcript of
PATRICK SHANNON.

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Pursuant to CR 30(e), the original signature
page and changes, if any, received by this office
will be forwarded to all counsel.

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Margaret Walkky, CCR No. 2540

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cc: File
JOHN COLVIN
AARON LUKOFF

25

SEATTLE DEPOSITION REPORTERS, LLC

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) No. 2:16-cv-1041-TSZ
DAVID A. GOULD; JANE C.)
POLINDER; BROOKLINE)
PROPERTIES, INC.; WHATCOM)
COUNTY TREASURER; TARIO)
AND ASSOCIATES, P.S.;)
WASHINGTON STATE)
DEPARTMENT OF SOCIAL AND)
HEALTH SERVICES;)
FINANCIAL CONCEPTS, LTD.;)
GOLDSTAR ENTERPRISES,)
INC.,)
Defendants.)

ORIGINAL

DEPOSITION UPON ORAL EXAMINATION
OF
PATRICK SHANNON

9:25 a.m.; July 25, 2017
700 Stewart
Seattle, Washington

REPORTED BY: Margaret Walkky, CCR, RPR, RMR, CRR
Court Reporter, License No. 2540

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13 3 Promissory note, \$75,479.48, 4-15-04 38

14 4 Promissory note, \$203,766.96, 1-20-06 46

15 5 Statutory warranty deed, 3-13-03, 57

16 lot 1, Shauna short plat

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19 7 Statutory warranty deed, 3-13-03, 59

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SEATTLE DEPOSITION REPORTERS, LLC

www.seadep.com 206.622.6661 * 800.657.1110 FAX: 206.622.6236

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1 PATRICK SHANNON, witness herein, having been
2 first duly sworn on oath,
3 was examined and testified
4 as follows:
5

6 E X A M I N A T I O N

7 BY MR. BUTLER:

8 Q. Good morning, Mr. Shannon. Could you
9 please state and spell your name for the record and
10 then state your address.

11 A. Patrick Shannon, P-A-T-R-I-C-K,
12 S-H-A-N-N-O-N. Address is 5353 Olson Road in
13 Ferndale, Washington.

14 Q. Thank you.

15 Charles Butler with the United States
16 Department of Justice, and I represent the United
17 States in this matter. We're here on US versus David
18 Gould, et al, pending in the US District Court for
19 the Western District of Washington. The deposition
20 is being conducted pursuant to the Federal Rules of
21 Civil Procedure.

22 Could I please ask your attorney to
23 state his appearance?

24 MR. LUKOFF: My name is attorney Aaron
25 Lukoff. My name is spelled A-A-R-O-N, last name

1 L-U-K-O-F as in friendly, F as in friendly.

2 MR. BUTLER: Thank you.

3 Mr. Colvin, could you please state your
4 appearance.

5 MR. COLVIN: John Colvin representing
6 Jane Polinder.

7 Q. The court reporter is transcribing
8 everything we're saying, so please state your answers
9 verbally.

10 A. (Nods head.)

11 Q. And only one person can speak at a time
12 so please wait for me to finish my question before
13 answering. If you don't understand my question, let
14 me know and I'll clarify or rephrase.

15 Your attorney may object to a question,
16 but if he does, you still need to answer unless he
17 instructs you not to because doing so would reveal
18 privileged information.

19 If you need a break at any point,
20 please let me know, but we can't break while a
21 question is pending.

22 You understand that you were
23 administered an oath by the court reporter today and
24 are testifying under penalty of perjury?

25 A. Yes, sir.

1 Q. Are you under any medication or other
2 substance, would you have any medical condition that
3 would affect your ability to testify truthfully
4 today?

5 A. No, sir.

6 Q. So you did receive the subpoena issued
7 by the United States, correct?

8 A. Yes, sir.

9 Q. And you brought documents with you,
10 correct?

11 A. I did.

12 Q. Did you do anything else to prepare for
13 the deposition today?

14 A. Other than talk to my attorney to make
15 sure that I knew what I was doing, no.

16 Q. Did you speak with anyone else?

17 A. No.

18 Q. When was --

19 A. My wife. My wife knows that I'm here.

20 Q. Okay. You did not speak with Jane
21 Polinder about this deposition?

22 A. No.

23 Q. You did not speak with David Gould?

24 A. I haven't talked to David in years.

25 Q. Okay. I just want to go over some

1 general background information on you. Did you
2 graduate from high school?

3 A. No.

4 Q. Did you attend high school?

5 A. Yes.

6 Q. Where?

7 A. High school for me would have been in
8 Burns Lake, British Columbia, Canada.

9 Q. You came to the United States at some
10 point?

11 A. Right, I was born in the states. My
12 parents immigrated to Canada. I finished my
13 schooling as far as it went in Burns Lake and then I
14 shortly thereafter came back to the states.

15 Q. Do you have any post-high school
16 training?

17 A. I do. I have a lot of college credit
18 hours and most recent one was at Whatcom Community
19 College, I'm a paralegal.

20 Q. When did you complete that training?

21 A. Within the last two years.

22 Q. What other kind of training have you
23 had other than the paralegal training post-high
24 school?

25 A. I served four years active duty in the

1 Marine Corps. As far as official training, that's
2 it. I work on a little piece of property in Ferndale
3 and I grow apple trees, nothing really too big to
4 write home about.

5 Q. When were you in the Marine Corps?

6 A. I went in in 1985. I EAS'd in 1989 and
7 then I served a little bit of time in the reserves
8 before they released me on medical.

9 Q. After you got out in '89, did you work?

10 A. Yeah. I tried to get a job in law
11 enforcement in Austin, Texas because that's where I
12 moved to after the military, and in that process my
13 mom needed help up here in Bellingham and I gave up
14 that and came to Bellingham to help her.

15 Q. You helped her in what capacity?

16 A. She had started a company called 3R
17 Industries and she needed me to basically oversee her
18 production with a company called -- geez, what was
19 it? There's a packaging company, I can't remember
20 the name of it. There was a packaging company and
21 she wanted me to make sure that the packages were
22 packaged and shipped out, so that's what I did.

23 Q. And you came up to Bellingham to assist
24 your mother with 3R Industries?

25 A. Yeah.

1 Q. Approximately when was that?

2 A. I think I moved up in '90, spring of
3 '90.

4 Q. What kind of company was 3R Industries,
5 what was its purpose?

6 A. She had a patent on a plastic part that
7 she was producing and packaging for the automotive
8 after market.

9 Q. So what did you do with 3R Industries
10 at first?

11 A. Just made sure that the production was
12 done at the place that she had designated to do the
13 production, and make sure that the shipments went
14 out.

15 Q. How long were you doing that?

16 A. Until the company went out of business,
17 early 2000s.

18 Q. And in the 1990s, did you have any
19 other occupation?

20 A. When I first moved here, I did a little
21 bit of construction work for Callen Construction,
22 maybe a year, possibly two. Yeah, that's pretty much
23 what I did. My wife works as -- was working for the
24 police department, so pretty much our family was kind
25 of reversed of everybody's. I was the stay-at-home

1 mom and she was the one that went to work.

2 Q. When did you work for Callen
3 Construction, approximately?

4 A. When we first moved up here, I got a
5 job with them. It would be sometime in 1990 and for
6 some time after that, a year, year or two after that.

7 Q. When did you first meet David Gould?

8 A. I'm not really positive. '92 maybe,
9 '93 maybe. I'm not really sure.

10 Q. How did you meet him?

11 A. I met him in an electronic stores in
12 Bellingham. I believe he was buying a computer, I
13 was buying a computer. A conversation started and I
14 would have to say that the relationship at that point
15 was an acquaintance.

16 Q. Did it develop into something other
17 than an acquaintance at some point?

18 A. At some point, it did. My family and I
19 were never, they weren't friends enough that we would
20 like go to dinners or anything like that. It was
21 more or less every now and then that he would need
22 something, and I was able and capable of doing it so
23 I would do it.

24 If he needed me to help him on a, you
25 know, repair on his house, he used to live in

1 Bellingham down on the east side of Bellingham, and I
2 could help him. I know how to build houses and work
3 on stuff. So that it was kind of that relationship
4 for quite a while, not anything really more than that
5 for quite some time.

6 Q. So approximately when was it when you
7 started helping him on things like what you just
8 described?

9 A. Well, you know, I didn't have a lot
10 going on, so probably from the get-go, you know, he
11 probably plumbed my knowledge of what I knew and then
12 he would use me to do stuff. Not so much as in hey,
13 I want you to come over and do this and I will pay
14 you, I don't think I ever got paid for doing
15 anything. It was more or less he needed help and I
16 would help him fix things, build things.

17 And that eventually morphed into at
18 some point he asked me if I was interested in, you
19 know -- he was kind of a whack job. He was kind of
20 on the right side of the right wing hanging off the
21 earth by his claws, and he kind of would -- took
22 quite a few years, took quite a while to talk me
23 into, he needed somebody to help protect his wife and
24 his kids. He had a trust and wanted to know if I
25 wanted to be his trustee. I think that's probably

1 where this is all going, and at the time, I didn't
2 know really what that involved. I know now. That
3 was dumb.

4 Q. So it was approximately 1992?

5 A. '92-ish, yeah, I think.

6 Q. And then he would ask you to fix things
7 or help build things?

8 A. Yeah, you know, his family and my
9 family, a wife with some kids, and he was always the
10 business guy. He was always out doing things. He
11 was always too busy for anything, and so if there was
12 something minor that needed done or he needed to
13 plumb my mind about how to do something, then he
14 would ask me and I would go help him.

15 Q. And that was, for how many years were
16 you doing that?

17 A. Really honestly unsure. Couple, two or
18 three, probably, before anything else came out of
19 that.

20 Q. By "anything else," you're referring to
21 when he asked you to be a trustee?

22 A. Right. I think the appeal of David is
23 he was always trading -- he was a day trader and I
24 was trying to find something I could do at home. And
25 so he was always talking about day trading money or

1 later that turned into forex, he was doing other
2 things prior to that, other kinds of trainings.

3 Q. When you say he was a day trader, you
4 mean he was trading in stocks?

5 A. I think, you know, initially I don't
6 really know what he was trading. He talked a lot
7 about commodities, a whole bunch of stuff I really
8 didn't know because I don't have any investments
9 myself, so I don't do that. And at the time, I had
10 no idea what it was, but it sounded intriguing.

11 And he was always talking about he was
12 always making money doing it and he was doing it at
13 home, and I was always at home so I thought that that
14 was his appeal to me. I could find something to do
15 at home. So I started listening to what he was doing
16 in that regard.

17 Q. And this was in the '90s?

18 A. Yeah.

19 Q. When did he become involved with forex?

20 A. Truthfully, I have no idea. I know
21 that his investment, the way he did things morphed
22 over time. He was always talking about the next big
23 thing, the next big score, the next big, you know, if
24 you do this, you're going to make that much money on
25 it, there's a special kind of return on this kind of

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1 investment. I never really had that money to invest.

2 Q. How did you know he became involved
3 with forex?

4 A. Shortly before I basically told him to
5 take flying leap, he was heavily involved in forex.
6 I don't know where he got the money from.

7 Q. How do you know that, did he tell you?

8 A. Yeah, straight up. He had it in his
9 house in Ferndale, the house Jane lives in, he had a
10 TV screen bigger than this one, and he would always
11 have forex stuff on the screen. I was intrigued. I
12 was trying to figure out how he did that. I never
13 could make money at it. I tried paper trading for
14 two years trying to make money and I never made a
15 damn dime on it.

16 Q. When was that, when he was involved
17 with forex?

18 A. I don't have a year specifically, early
19 2000s probably.

20 Q. What is forex?

21 A. Foreign currency exchange.

22 Q. So how was he involved?

23 A. He traded it. You log in. You get a
24 program, I can't remember the name, the meta trader
25 or something, meta trader program, and you create

1 your -- -- for me, I created a fake account you could
2 paper trade. He had an account with real money in it
3 and I would watch what did he to try to duplicate
4 what he did, and so I was trying to learn how to
5 trade forex.

6 Being new to that kind of thing, I had
7 -- no way my wife would let me turn loose some money
8 to go do it. So I figured I had to do it for a while
9 paper until I got good enough that I could show her
10 that I could make money at it. The end result was
11 there was unless you're a market maker, you're not
12 going to make anything on that.

13 Q. So it would involve purchasing and
14 selling foreign currency?

15 A. Yeah, I think that's what he was doing.
16 That's exactly what forex is, trading between two
17 currencies. You know one is going to go up, one is
18 going to go down, making a guess as to which
19 direction it was going to be.

20 Q. When did you first meet Jane Polinder?

21 A. On the day I met David or shortly
22 thereafter. She was married to him at the time, and
23 I think they had one, if not two kids at the time,
24 two little girls. They were babies at the time.

25 Q. How well would you say you came to know

1 Mr. Gould and Ms. Polinder?

2 A. I came to know David more than Jane.

3 Like I say, David was pretty far out there and it
4 became apparent over time he was one of them people
5 that would just suck your time until there was
6 nothing left of you to suck out. So I never -- as a
7 family, we never hung out with them much. I hung out
8 with David more than my wife and I hung out with
9 them. And eventually that tapered off to the point
10 that I couldn't stand him to be around.

11 Because he was doing stuff that I was
12 supposed to at the time be the trustee on his trust
13 to protect the beneficiaries of the trust. I never
14 had any control of his trusts. So if I can't have
15 control and I can't have money and I can't have
16 access to accounts and I can't do a thing that I've
17 read trustees are supposed to do, then I am not
18 interested in being his straw man, because that's
19 really what it boiled down to. He was not doing
20 anything that was beneficial to his family.

21 Q. You said that David Gould and Jane
22 Polinder were married?

23 A. I assumed they were. They lived
24 together. They had kids together. I don't think
25 there was ever a question between my wife and I

1 whether or not we saw a marriage license.

2 Q. After you met them, did you have
3 opportunities to observe their interactions with one
4 another?

5 A. Oh, yeah. Me more than my wife and I.
6 I would have to characterize that as he was in charge
7 and she would take care of the kids.

8 Q. Why do you characterize it like that?

9 A. Because many times that's what he would
10 tell her to do: I'm busy. You need to go take care
11 of the kids. I'm busy. You should go do this.
12 Don't bother me with that. That's not something I
13 need to be doing. You should be doing that.

14 Q. Did you know Jane Polinder's father,
15 Gerald Polinder?

16 A. I have met Gerald. I can't say that I
17 know him. I have met him.

18 Q. When did you meet him?

19 A. It would be early on, maybe mid '90s,
20 '94, '95. I'm guessing entirely.

21 Q. Do you remember the occasion when you
22 met him, like how you met him?

23 A. I think there was a birthday party or
24 there was some occasion that was important to her
25 family and we were invited, and it was one of them

1 things we could take or leave. And that day we
2 didn't have nothing to do, so we went and I think he
3 lived in Lynden at that time and so we were there
4 probably at her mom's house for maybe a couple of
5 hours.

6 Q. Did you ever engage in any business
7 with Gerald Polinder?

8 A. No.

9 Q. You also met Jane Polinder's mother?

10 A. Yeah.

11 Q. That one time --

12 A. That one time, yeah. No, actually, I
13 betcha I've seen her at Jane's -- David and Jane's
14 house. I'd probably seen her there, but not enough
15 to do anything more than say hi. I mean, she's
16 there, she's in their house.

17 Q. From in the early 2000s, say, from 2000
18 through 2005, do you know what David Gould's source
19 of income was?

20 A. I would have to assume it was Shauna
21 short plat. I don't know for sure. The Shauna short
22 plat was the piece of purchase order around where his
23 house set and he had had it subdivided, I want to
24 say, into five lots including -- to not include his
25 house. So a total of six lots.

1 And I think, you know, I think his goal
2 was that he was going to get them improved, which was
3 -- which I think is sidewalks and power and sewer
4 connections, and then sell them off or build them
5 out. If he had another source of income, I have no
6 idea. I assume people gave him money to trade. I
7 don't know.

8 Q. How was he receiving money from Shauna
9 short plat, from renting?

10 A. No, from selling.

11 Q. Selling?

12 A. Selling the lots.

13 Q. Okay.

14 A. Ostensibly I was supposed to be the
15 trustee to protect that, but I never had any power to
16 do that. So when, you know, when he would want me to
17 go sign paperwork and I didn't have any control over
18 where it was going, I mean, that was the end our
19 relationship because of that kind of stuff. But, you
20 know, I don't know where he got any other money. I
21 assumed his family had money.

22 They lived in Costa Rica for a while.
23 I don't know why they left the country to go to Costa
24 Rica, but I took care of their main house and made
25 sure there were renters that he had picked to stay in

1 the house, and basically my job was to make sure that
2 the toilets flushed and the doors locked.

3 Q. What time frame was that when you were
4 in Costa Rica and you were taking care of those
5 issues with respect to the house?

6 A. I think it was right after Y2K. He was
7 really freaked out.

8 Q. For how long?

9 A. I think he lived down there nearly a
10 year. Actually, he was down there before that. So
11 when the towers fell, he was in Costa Rica. So he
12 had been down there probably three or four months, it
13 seems in my memory, before that happened, because he
14 called me from Costa Rica and told me to watch the
15 news because I had no idea what was going on.

16 Q. Jane Polinder and the kids were with
17 him at that time?

18 A. Yes.

19 Q. They were there for another year after
20 that?

21 A. I think they were there, if my memory
22 serves me, right around a year. I don't have any
23 written records that say otherwise. I'm going by old
24 memory.

25 Q. At the time they were renting the

1 property at 6109 Evergreen in Ferndale?

2 A. Yes.

3 Q. Do you know if they had other rental
4 properties?

5 A. They did have one in Bellingham. I
6 don't remember the address. It was a -- I want to
7 say it was a duplex. I could be wrong. And there
8 was a renter in that, yeah. So I think there were
9 two, the one in Ferndale and the one in Bellingham.

10 Q. The property at 6109 Evergreen in
11 Ferndale, is that the same as the property at 2450
12 Thornton Road?

13 A. I think before it became the Evergreen
14 address, it was the Thornton Road address, because
15 the Shauna short plat was a bunch of empty lots with
16 the house in the middle of it, and during the
17 process, that house used to have a driveway that went
18 to Thornton Road. And after he sold the front two
19 lots off on Thornton Road, they had to put a driveway
20 into Evergreen. They couldn't cross the lots.

21 Q. Okay.

22 A. I think. That just seems logical.

23 Q. Do you know if David Gould ever worked
24 for Analistude, A-N-A-L-I-S-T-U-D-E, Capital?

25 A. I don't know what that is.

1 Q. Do you know if David Gould ever had a
2 professional attorney license?

3 A. Oh, fuck no. Sorry. No.

4 Q. In the same time period, 2000 to 2005,
5 do you know what Jane Polinder's source of income
6 was?

7 A. I would have to assume her source of
8 income was either money from her parents or what
9 allowances she was given from Dave.

10 Q. So you're not aware of her during that
11 time period working?

12 A. Not outside the home or doing anything
13 outside the home. I was not aware of any of that.
14 If she did, I didn't know it.

15 Q. Apart from travel to Costa Rica, do you
16 know if David Gould otherwise traveled?

17 A. Maybe to Canada. What he would do up
18 there, I don't know, but, you know, he always seemed
19 to be around. He always seemed to be talking to
20 people in other locations. He was always basically
21 bragging up who he knew and where he knew, and those
22 were people I didn't know so it didn't really matter
23 to me. I know that after I cut ties with him, it was
24 sometime after that he just fled and left. He went
25 to China, is the last I knew.

1 Q. When was that? When did you cut ties
2 with him?

3 A. Probably in the middle of all of that
4 retitling and buying or selling them lots off when I
5 didn't have control. I couldn't even pay property
6 taxes. I couldn't do what I was supposed to be
7 doing. So in the middle of the Shauna short plat
8 lots being sold off, I'm pretty sure it was around
9 that time. I don't know, I didn't keep records of
10 those conversations.

11 Q. So approximately when was that?

12 A. It would have to have been probably
13 early 2000s sometime, 2000, 2004, '05. I don't know,
14 I don't know for sure. I could ask my wife. She
15 might know better. She's kind of got a head for the
16 dates.

17 Q. The early 2000s or even in the 1990s,
18 do you know, were you aware of Jane Polinder
19 traveling at all apart from the Costa Rica?

20 A. The one trip to Costa Rica, no. I
21 mean, I know she was there and her kids were there.
22 I think they were staying at his mom's place down
23 there. His mom has a place in Costa Rica in some
24 enclosed, you know, gated community.

25 Q. Do you know anything about David

1 Gould's involvement with tax avoidance organizations?

2 A. Oh, boy. Yeah, he's involved with
3 every one of them.

4 Q. How were you aware of that?

5 A. Because he kept trying to foist it off
6 as that was the best thing to do.

7 Q. Do you know any specific groups he was
8 involved with?

9 A. There was a guy who was -- what's the
10 hell is the name? Anderson Ark, he was part of
11 Anderson Ark. What the hell is it -- he got my mom
12 into one of these Ponzi investment schemes, I can't
13 think of the guy's name. It was a group out of
14 Texas, fricking stole her money.

15 Q. Approximately when was that?

16 A. It was prior to the 2000s, I'm pretty
17 sure.

18 Q. When did you first become associated
19 with Brookline Properties?

20 A. That's when he was building those or
21 building or improving them lots. I don't know the
22 date that I was first associated with that. That was
23 his company, so --

24 Q. How did it come about you being
25 involved with Brookline?

1 A. Without remembering exactly, it was my
2 understanding that Brookline was the company he was
3 using, along with Canvasback Systems, to manipulate
4 the system. You know, he had two companies and one
5 was the construction side and one was the money side.
6 I don't -- I think Brookline Properties is the one
7 that was the trust and it was supposed to be the one
8 holding title, and the beneficiaries I think were
9 supposed -- were for sure Jane and the kids. But I
10 remember '90 something, '98-ish, something like that.
11 It's on that, one of these documents you took a copy
12 of there.

13 Q. All right. So how is it you became
14 involved?

15 A. He initially -- adamantly thought that,
16 you know, his excuse was he wanted an arms length
17 relationship with a trustee and that's how it had to
18 be. He needed somebody to act as a trustee because
19 Brookline was a trust and he couldn't be the trust on
20 his own trust -- or trustee on his own trust. So the
21 conversation was that he needed a trustee to do trust
22 business and they would be in charge of everything.
23 Unfortunately, the trustee was in charge of nothing.
24 It was a complete front.

25 Q. So you agreed to serve as trustee for

1 Brookline --

2 A. Yeah. There was myself --

3 Q. -- Properties?

4 A. -- and one other guy, Lance Ekhart.

5 I've seen that name associated with it, Ekhart,

6 Ekhart.

7 Q. Did you --

8 A. There's another company down out here

9 on the coast, I think is the person who wrote

10 Brookline Properties. I don't know what the record

11 name is. I can't remember. I don't have enough

12 documentation to even go back and look for it, but

13 that guy was a trustee also or a trust writer. I'm

14 not really sure what it was. But David knew him,

15 knew of him. He was like who he counseled with like

16 how this stuff needed to work.

17 Q. When you became a trustee of Brookline

18 Properties, Lance Ekhart was also a trustee?

19 A. I believe so, yeah.

20 Q. And this other person on the coast was

21 also a trustee?

22 A. I think he was. I never seen the

23 papers with that guy's name on as a trustee, but

24 David talked about him and about Brookline a lot and

25 basically made this guy out to be some sort of legal

1 professional who knew about trusts. I can't remember
2 the name of that organization or that -- the guy's
3 office. I can't remember.

4 Q. Were there any other trustees?

5 A. Not that I knew of.

6 Q. Did you see any documents that had
7 established Brookline Properties when you became the
8 trust or at any point?

9 A. No. He brought me a piece of paper.
10 It's in the copies. That's what I know of it. I
11 signed a piece of paper and said I would be a trustee
12 and it's notarized.

13 Q. Do you know when Brookline Properties
14 came into existence?

15 A. No, at least not by my memory.

16 MR. BUTLER: Could you please mark
17 that.

18 (Exhibit-1 marked.)

19 MR. BUTLER: John, I don't have copies
20 of my documents for you but I can email them to you.

21 MR. COLVIN: Okay.

22 Q. Please take a look at what's been
23 marked as Exhibit-1. Are you familiar with that
24 document?

25 A. Yeah, I am.

1 Q. In the middle there, is that your
2 signature?

3 A. It is.

4 Q. So what is this document?

5 A. As far as I know, it's the document
6 that I agreed to be a trustee.

7 Q. So this is what he gave you when he
8 asked you to be a trustee?

9 A. Right.

10 Q. Do you know why the word "properties"
11 is consistently misspelled throughout this document?

12 A. Until just now, no. That would be par
13 for the course.

14 Q. Okay. Yeah, I just see that --

15 A. Spell check evidently didn't work.

16 Q. -- in at least four places, it's
17 spelled P-R-O-P-E-T-I-E-S.

18 A. Yes.

19 Q. It's missing an R, but it's consistent.
20 But you think that's just, those are just typos?

21 A. I would imagine. So I don't know. I
22 don't know if he would intentionally do that. He may
23 have intentionally done that. Till you just pointed
24 it out, I never read it. I always read it as
25 Brookline Properties.

1 Q. What were your duties as trustee?

2 A. My understanding from David, and at the
3 time I didn't know what a trustee was supposed to be
4 doing, so I even had to go do some reading up on it,
5 my job was to make sure that Jane and the children,
6 being presumably the beneficiaries, were protected in
7 that the assets of the trust weren't squandered.
8 That was the initial understanding. What really came
9 about from that was it didn't matter whose piece of
10 paper you had and what name you had on it, nobody had
11 control of it but David.

12 Q. So it was your understanding that Jane
13 Polinder and her children were beneficiaries?

14 A. Were beneficiaries of this.

15 Q. The Brookline Properties trust?

16 A. Yes.

17 Q. Did you ever see any paperwork
18 identifying them as beneficiaries?

19 A. No, I took David's word for that.

20 Q. Did you have authority to obtain loans
21 on behalf of Brookline Properties?

22 A. Never on my own. If there were any
23 loan papers signed, David is the one who would
24 arrange for it. And the only thing he needed me for,
25 or maybe Lance because I didn't see it all, was to go

1 down there to sign on the dotted line, because it was
2 either a transfer or a bank loan and there were just
3 a few of those. I mean, there's only a couple of
4 pieces of property there.

5 Q. Did you ever earn any income from
6 Brookline Properties as the trustee?

7 A. Wouldn't that be fun if I got paid, but
8 no.

9 Q. Did you otherwise earn any money from
10 Brookline Properties?

11 A. No.

12 Q. Did Brookline Properties have any
13 employees?

14 A. In reality, I think the only employee,
15 if there was such a thing, would be David, because
16 he's the one that effectively owned it and used it
17 like a tool.

18 Q. Were properties titled in Brookline
19 Properties' name?

20 A. I would have to look in that pile of
21 folders. I haven't read that since way back in the
22 day, but I'm pretty sure some of the name of
23 Brookline Properties is there.

24 (Exhibit-2 marked.)

25 Q. Please take a look at what's been

1 marked as Exhibit-2, documents that you produced
2 today.

3 A. He spelled it right there.

4 Q. Are you familiar with these documents?

5 A. Other than they were in my possession?

6 I think these are all a part of the Shauna short plat
7 thing. I don't know how to read the title movements
8 there. I don't see my name on any of it.

9 Q. If you look at the second page of
10 Exhibit-2.

11 A. Yeah, my name is typed there, but my
12 name down here on the signature side isn't on it.

13 Q. So this real estate excise tax
14 affidavit, have you seen this before?

15 A. Like I say, other than it was in my
16 file folder of stuff, I haven't even paid attention
17 to it.

18 Q. So can you look at the page in
19 Exhibit-2 that, it looks like there are two of them.
20 The first one that says Exhibit-A, do you know if
21 this is referring to the property at 6109 Evergreen
22 or 2450 Thornton Road?

23 MR. LUKOFF: I think he's talking about
24 this --

25 THE WITNESS: Oh, this one right here?

1 MR. LUKOFF: This is Exhibit-A.

2 THE WITNESS: Yeah, gotcha.

3 A. I don't, but I know how to get into the
4 assessor's office online and look up that, and I
5 could confirm or deny that. I know how to find that.
6 Specifically, no.

7 Q. Take a look at the last page of the
8 exhibit, please. Have you seen this quitclaim deed
9 before?

10 A. No.

11 Q. In the middle there, this is Shauna
12 short plat, lots 1, 2, 3?

13 A. Yeah, that's the one off of Thornton
14 Road there. There's only one Shauna short plat.

15 Q. Up at the top is the name Lance Ekhart.
16 Is that the person you were referring to before who
17 was the other trustee?

18 A. Yes.

19 Q. Do you know anything about him other
20 than he was a trustee?

21 A. I've never even met Lance, and if I
22 did, I can't remember. I've heard of Lance. I've
23 seen Lance's name on stuff and David has talked about
24 Lance, but I don't even know what he looks like.

25 Q. Do you know what his occupation was in

1 1998?

2 A. Not even close. I don't know what he
3 was doing.

4 Q. Do you know what his occupation was at
5 any point?

6 A. No, I do not.

7 Q. In the middle there, it says, "The
8 grantor, David A. Gould, for and in consideration of
9 capital unity of indeterminable value conveys and
10 quitclaims to Brookline Properties the following
11 described real estate."

12 A. Uh-huh.

13 Q. Do you know what "capital unity of
14 indeterminable value" means?

15 A. No. I'm pretty sure knowing the way
16 David thinks, the little that I know, he's being as
17 opaque as he can. I don't think that's a company.

18 Q. Do you know if Brookline Properties --
19 well, before I ask you that, let me direct you, down
20 at the bottom of this page you're looking at, the
21 last page of Exhibit-2, it says dated May 12, 1998,
22 correct?

23 A. Yes.

24 Q. If you look at Exhibit-1, toward the
25 bottom there, the last paragraph it says on May 12,

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1 it looks like 1998, and up above that there's a date
2 of 5-12-98 next to your signature?

3 A. Right.

4 Q. So do you know why these two documents
5 have the same date?

6 A. I don't have a clue.

7 Q. When you became trustee of Brookline
8 Properties, were you aware of David Gould
9 transferring property to Brookline Properties?

10 A. Not directly, he didn't. I assumed
11 that's why I was there, that he had put property in a
12 trust and I was supposed to be the trustee. But I
13 don't remember a conversation in '98 describing this
14 document.

15 Q. Okay.

16 A. Other than, you know, I have a trust
17 and I need a trustee and it's got property in it.

18 Q. So you were just generally aware that
19 the trustee held some kind of property?

20 A. Right, and I assume it was the Shauna
21 short plat stuff. I don't know of any others.

22 Q. Do you know if Brookline Properties
23 paid anything for the title for the Shauna short
24 plats?

25 A. I don't even know how he got that

1 property. I don't know how David originally acquired
2 it. I don't know.

3 Q. What would you say was David Gould's
4 role with Brookline Properties?

5 A. The sole owner.

6 Q. What did he do as the owner?

7 A. Everything. He did -- if there was
8 money involved, he did all the money. I'm sure there
9 were bank accounts associated with it, probably at US
10 Bank. Maybe more places, I don't know. I say US
11 Bank because most of this that involved money
12 happened at the US Bank in Lynden. And he had and a
13 particular loan officer there that he was good
14 friends with, so I assumed it was there. But as far
15 as getting any access to that or any other accounts,
16 he wouldn't give up anything.

17 Q. So he made all the -- he solely made
18 all the business decisions for Brookline?

19 A. Yeah. I mean, if he made any decisions
20 based on conversation with myself or Mr. Ekhart, I
21 have no idea if anything that we said he would have
22 done. I'm pretty sure it wouldn't have been -- you
23 know, it was advice only.

24 Q. So David Gould solely made all the
25 financial decisions for Brookline Properties

1 including obtaining loans?

2 A. Oh, yeah. He never ever once let us
3 have any kind of power. Me, I don't know about
4 Lance, he never let us have any kind of power at all.
5 It was purely to sign a piece of paper.

6 (Exhibit-3 marked.)

7 Q. Please take a look at what's been
8 marked as Exhibit-3.

9 A. Okay.

10 Q. You see on the bottom it's a Bates
11 number, there's USA and then a number?

12 A. Yeah.

13 Q. Could you turn to USA03024.

14 MR. LUKOFF: May I interrupt for a
15 moment? Can we review that document before you ask
16 some questions?

17 MR. BUTLER: Yeah, yeah. I'll just ask
18 this and give him a chance to take a look at it.

19 Q. Is that your signature?

20 A. That looks like my signature, yes.

21 Q. So go ahead and take a look at the
22 document.

23 (Discussion off the record.)

24 MR. LUKOFF: Are these the documents
25 that you had given to --

1 THE WITNESS: I don't know.

2 MR. LUKOFF: Okay.

3 THE WITNESS: This is a long time ago.

4 MR. LUKOFF: Okay, so you don't
5 recognize this document necessarily?

6 THE WITNESS: Not in this size, no.
7 Not in the other size. I have to go look through the
8 file and see if they're there.

9 MR. LUKOFF: Okay. May I take my
10 client out for a moment?

11 MR. BUTLER: Yes.

12 MR. LUKOFF: Thank you.

13 (Brief recess.)

14 MR. BUTLER: Let's go off the record.

15 (Discussion off the record.)

16 MR. LUKOFF: So I just asked --

17 MR. BUTLER: We'll go back on the
18 record, please.

19 MR. LUKOFF: So I just want to clarify,
20 I just asked my client about Exhibit-No.-3 and he
21 said something to me that caused me concern for a
22 moment. I said have you seen this document before?
23 And he goes I would have to go through all those
24 papers. So I took him outside and I said do you have
25 any more papers? He goes no. All the papers I have

1 are right here and I gave those to attorney Butler.

2 THE WITNESS: So I'm assuming that is
3 something you've got, out of a pile I brought you.

4 MR. BUTLER: That's correct, these are
5 Bates stamped with that USA.

6 THE WITNESS: I'm on board now, I
7 gotcha.

8 MR. BUTLER: And they may or may not be
9 in that pile, I don't know.

10 THE WITNESS: Yeah, they may or may not
11 be there.

12 Q. So do you recognize these documents?

13 A. My memory is not that good to recognize
14 a document I signed that far ago.

15 Q. Okay.

16 A. 2004.

17 Q. You do see your signature --

18 A. Absolutely.

19 Q. -- appears throughout in several pages?

20 A. Yeah.

21 Q. Can you turn to what's marked at the
22 bottom right as USA03026.

23 A. Exhibit-A, legal description?

24 Q. Yes.

25 A. Okay.

1 Q. If you take a look at Exhibit-2, back
2 to the first page that says Exhibit-A, would you say
3 those are describing the same property?

4 A. It looks really close to exactly the
5 same thing. It looks like the same thing, "section
6 18, township" (reading from document). That looks
7 exactly the same.

8 Q. Okay. So if you turn to page 1 of
9 Exhibit-3, please, up at the top left, it says,
10 "Principal, \$75,479.48"?

11 A. Yes, sir.

12 Q. "Loan date, 4-15-2004," and down below,
13 "Borrower: Baycor Construction LLC, 2450 Thornton
14 Road, Ferndale, Washington?"

15 A. Yes.

16 Q. Do you know what transaction that
17 refers to?

18 A. I have supposition and supposition
19 only. To sell this property or to improve the
20 property of the Shauna short plat, the city required
21 him to put in curbs, gutters, sidewalks, sewer
22 connections, water connections, that whole thing,
23 even light poles, and I'm almost positive that this
24 was his way of financing to get that done.

25 Q. Do you know why -- turn to page in

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1 Exhibit-3, USA03033. So toward the top there under
2 borrower, Baycor Construction, it says, "Grantor:
3 Patrick Shannon, trustee of Brookline Properties."

4 Down at the bottom left, is that your
5 signature?

6 A. That is.

7 Q. Do you know why you had to sign this?

8 A. No. Agreement to provide insurance? I
9 don't know.

10 Q. Do you recall Mr. Gould saying anything
11 about Brookline Properties' involvement with a
12 \$75,000 loan?

13 A. Like I said, the only thing that I
14 think -- I'm speculating. The only thing I can think
15 that what he would use it for would be that, because
16 there was conversation about how the city was
17 requiring him to do all the street improvements
18 before he could finish the short plat. So that's,
19 I'm speculating, what it was. I don't know what
20 those improvements cost.

21 Q. It appears to be listing the borrower
22 as Baycor Construction. Do you know why Brookline
23 Properties would be involved?

24 A. I can only speculate. The only way he
25 could get the loan -- this is Peoples Bank. The only

1 way he could get the loan would be he had to put
2 something up on the loan. The only way he could put
3 some asset up there was if he had Brookline, which
4 technically was supposed to own the property, get a
5 loan and give it to Baycor.

6 Q. Okay. Do you know what Baycor
7 Construction LLC was?

8 A. As far as I know, it was exactly what
9 it says. It was his construction company. It was
10 the company he was using to do all of his
11 improvements through. So he was using Baycor as, you
12 know, the company that he would interface with
13 suppliers and labor and everybody else to be a
14 construction company. Those documents, I have no
15 idea where they're at.

16 Specifically I'm assuming it was. He
17 had a blue Ford truck that said Baycor on the side of
18 it with a ladder rack on top. He acted like it was a
19 construction company. I assumed it was.

20 Q. Do you know if Baycor had any
21 employees?

22 A. David, unless he hired day labor.

23 Q. Were you involved with Baycor
24 Construction at all?

25 A. Other than, you know, like here on

1 paper, I never was labor for him. I never worked in
2 Baycor Construction. I don't -- I mean, it was -- as
3 far as I know, it was a one-man show. He used it as
4 his interface with suppliers and the county and
5 everybody else that did -- you know, issued permits
6 and things like that.

7 Q. Do you know if Jane Polinder was
8 involved with Baycor Construction at all?

9 A. I have no idea. I don't know if she
10 was on anything. I wouldn't put it past David to
11 have her sign stuff, but I don't -- I mean, as a
12 day-to-day thing, that was her husband's thing.

13 Q. Do you know if Mr. Gould did have
14 Ms. Polinder sign things?

15 A. In these records that you looked at,
16 there's a couple of things in there. One of them is
17 a promissory note for like -- I don't know. There's
18 a couple of hundred dollars there on a promissory
19 note that has her signature on it. I'm pretty sure
20 that that was probably a common occurrence, but it
21 was nothing that I was ever party to. Like it wasn't
22 something I ever seen.

23 Q. You say it was a common occurrence that
24 he would --

25 A. I'm pretty sure he would require her to

1 do, you know, because, you know, she was his wife.

2 If he needed her signature for something, he'd just
3 tell her to sign it, and she would sign it.

4 Q. But you never witnessed that happening?

5 A. No, I did not. That would be purely
6 hearsay on my part to say I've seen that.

7 Q. In this case with Exhibit-3, beyond, do
8 you know if Mr. Gould asked you to sign these
9 documents?

10 A. I'm sure he did. It's been long enough
11 ago that I can't even remember doing it. But I'm
12 pretty sure he asked me to sign them and I'm pretty
13 sure I probably did. I mean, that's looks like my
14 signature.

15 Q. Would you have investigated anything
16 behind these documents, what the purpose or --

17 A. I'm sure there was a conversation. Why
18 do we need to get a loan on the property? And I'm
19 pretty sure like I said that this was -- the goal of
20 this was to do the improvements so he could finish
21 out the short plat.

22 I know there was a conversation like
23 that that the city had come down and said well, you
24 can't do any of this until this is done. It held up
25 his entire project. So he had to get money from

1 someplace, and I'm sure that this is how he did it.
2 I don't know that he had lots or little other money.
3 I don't know. I wasn't -- I didn't ever get a bank
4 statement on anything.

5 MR. BUTLER: Please mark that.

6 (Exhibit-4 marked.)

7 Q. Please take a look at what's been
8 marked as Exhibit-4.

9 MR. LUKOFF: Do you remember this being
10 notarized?

11 THE WITNESS: No, I don't remember.
12 That's too long ago. I have a hard time remembering
13 last month.

14 MR. LUKOFF: Talk to me before you ever
15 sign anything again.

16 THE WITNESS: Yeah. Life has changed
17 much since here.

18 MR. LUKOFF: Do you know what that is?

19 THE WITNESS: Yeah, that's me.

20 MR. LUKOFF: Okay.

21 THE WITNESS: What that is, I'd have to
22 go through and read it. I have no idea. That's just
23 another one of the lots.

24 THE REPORTER: I'm having a problem.
25 You're saying for me to write it when I can hear it.

1 And sometimes I can hear and sometimes I can't, and
2 I'm writing it down and you're getting a really weird
3 record.

4 THE WITNESS: Oh, I'm sorry, I can stop
5 talking.

6 THE REPORTER: No, I don't care.
7 But you instructed me to write down
8 what I hear.

9 MR. BUTLER: We're still on the record,
10 so I guess --

11 MR. COLVIN: Why don't we go off the
12 record when you're reviewing the document.

13 MR. BUTLER: I'll say when they're
14 reviewing, we can go off the record.

15 (Discussion off the record.)

16 MR. BUTLER: Let's go back on the
17 record, please.

18 Q. Do you recognize the documents that
19 you've been provided as Exhibit-4?

20 A. I recognize my signature, but I don't
21 recognize specifically the document.

22 Q. Okay. On the page that is USA03074.

23 A. Yes, sir.

24 Q. Is that your signature there at the
25 bottom?

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1 A. It is.

2 Q. Do you see below it says, "Patrick
3 Shannon, general trust manager of Brookline
4 Properties"?

5 A. Right.

6 Q. So that was your title with Brookline?

7 A. Yeah, whatever this thing says here,
8 general trust manager Brookline Properties.

9 Q. Do you know what this, what transaction
10 these documents relate to?

11 A. No, I do not.

12 Q. If you look at the second page of
13 Exhibit-4, at the bottom left toward the middle, it
14 says, "David Gould, Director of Director of
15 Excalibur"?

16 A. Right.

17 Q. Do you know what Director of Excalibur
18 was?

19 A. I think, I'm pretty sure it's similar,
20 I'm positive it's like this (indicating).

21 Q. Which is, you're holding up the
22 articles of incorporation for Director --

23 A. Director of Deerbrook. I think
24 Director of Excalibur is David's version, because my
25 mom bought this from David, a private religious

1 corporation sole, I'm positive that's what it is.

2 Q. Okay.

3 A. Only because it's "director of" and
4 that's, you know, that's similar to this one.

5 Q. And are you aware of Director of
6 Excalibur being a member of Baycor Construction LLC?

7 A. Not even close, no.

8 Q. Do you know what Director of
9 Excalibur's function was?

10 A. With David, I would have to assume it
11 was a tool that he could use in his belief that would
12 avoid him having to report or pay taxes on anything
13 that he made out of this deal, another way to hide
14 something.

15 Q. So if you look at Exhibit-4, the page
16 marked at the bottom right USA03068.

17 A. Okay.

18 Q. At the top -- well, go to the previous
19 page, the one marked 03067.

20 A. Okay.

21 Q. And it says at the bottom, or at the
22 middle, "This deed of trust is dated January 20,
23 2005."

24 A. Right.

25 Q. "Among Patrick Shannon, not personally

1 but as trustee on behalf of Brookline Properties."

2 Then the next page, it has a
3 description there, parcel A?

4 A. Right.

5 Q. And below that, "The real property or
6 its address is commonly known as 2450 Thornton
7 Street, Ferndale, Washington"?

8 A. Okay.

9 Q. So do you recall a transaction related
10 to 2450 Thornton Street, January 20, 2005?

11 A. No. In and of itself, I would have to
12 assume this is all about trying to build out the
13 Shauna short plat. This specific thing, I don't have
14 a memory that goes back that far. My signature and
15 initials are on here, but specifically what the
16 conversation was about this, I don't know.

17 Q. Can you turn to in Exhibit-4 the page
18 marked USA03085.

19 A. Okay.

20 Q. At the top it looks like what was
21 written, Notice of Final Agreement, correct?

22 A. Yes.

23 Q. Down at the bottom left, is that your
24 signature?

25 A. That is.

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1 Q. If you turn to the next page, it says,
2 "Guarantor," and then, "Gerald Polinder,
3 individually"?

4 A. Yes, sir.

5 Q. Do you recall him being present and
6 signing this document when you did?

7 A. I don't remember that, no.

8 Q. Do you recall being aware of Gerald
9 Polinder being involved with this transaction?

10 A. In conversation I remember Jane telling
11 me that her parents had got involved with David,
12 loaning money or loaning money to him or getting
13 money to him. But specifically this one, no. I
14 mean, it was a conversation and then later on that
15 conversation changed to she had warned her parents to
16 not deal with him anymore.

17 Q. When was it that she said she had
18 warned her parents not to deal with him anymore?

19 A. I'm speculating only, but I would have
20 to guess it was probably shortly after this, after
21 they lost their money, if this is what this was.
22 Because I'm pretty sure they came up losing money out
23 of this deal.

24 Q. Okay. Do you know if Jane Polinder had
25 any role with Brookline Properties?

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1 A. Honestly, other than to be told to sign
2 something when she was supposed to sign something,
3 no.

4 Q. You can put that aside.

5 A. Okay.

6 Q. Who made the decisions regarding the
7 property at 6109 Evergreen or 2450 Thornton Road?

8 A. By this paper, it was supposed to be
9 me, but I never made any decisions on anything
10 because it all had to go through David and David's
11 the one that called the final ball.

12 Q. Do you know following the transfer of
13 the property, the same property at 6109 Evergreen in
14 1998, do you know who resided there?

15 A. David did.

16 Q. With?

17 A. With Jane.

18 Q. And their children?

19 A. Yes.

20 Q. That was until they went to Costa Rica?

21 A. I believe so, yeah, and then they came
22 back and I believe they moved back in there.

23 Q. Do you know who paid the mortgage on
24 that property?

25 A. I assume that David did. I didn't know

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1 there was a mortgage.

2 Q. Do you know if anyone paid rent after
3 1998 to Brookline Properties for that property?

4 A. When they were in Costa Rica, there
5 were -- when they left for Costa Rica, there was a
6 family living there and David asked me to act like
7 the landlord. And in that, my goal was to make sure
8 that the tenants were taken care of, but they paid
9 rent into an account. I don't know where that
10 account was.

11 Q. The tenants did?

12 A. The tenants did, yeah. They paid rent
13 into an account. They gave money to somebody. I had
14 to pay rent, and those tenants were there for a short
15 period of time initially. After they left, probably
16 less than six months, and then they kind of left the
17 place in a mess and David wanted me to clean it all
18 up for him and get another tenant in there.

19 So I got another tenant in there. I
20 can't remember their name right now, but my wife will
21 know who they were, because he used to work for the
22 border patrol, the guy that rented the place. They
23 were there for about six, maybe eight months before
24 they moved out and bought a piece of property.

25 And the same arrangement was true. I

1 don't know where they paid the rent to, put it in an
2 account, they had a rent check and it sent someplace.
3 I don't know where it was.

4 Q. Do you know if after 1998, either David
5 Gould or Jane Polinder paid rent to Brookline
6 Properties for use of the property at 2450 Thornton
7 Road?

8 A. I do not know.

9 Q. And apart from when there were renters
10 there and you helped with the house, when David Gould
11 and Jane Polinder were living there, who took care of
12 upkeep on that house?

13 A. When there were renters there?

14 Q. No, when there were not renters.

15 A. David.

16 Q. He did?

17 A. Yeah.

18 Q. Was there a lawn?

19 A. Was there a lawn?

20 Q. Yeah.

21 A. There was quite the lawn to the south
22 of the house on the Thornton Road side. There was
23 quite a big lawn there.

24 Q. Did David Gould take care of that?

25 A. I assume so, yeah. He took care of --

1 there was those two lots out front and I think there
2 were three behind it to the north and all in a row.
3 That was kind of overgrown and quite a mess until he
4 sold it off.

5 Q. So after 1998 when David Gould and Jane
6 Polinder were occupying that same house, do you know
7 who paid the utility bills for that property?

8 A. I would have to assume David did. I
9 don't know. David or one of his companies.

10 Q. Did you know who paid the property tax?

11 A. In the end, it was David. There's a
12 bunch of property tax records there that he almost
13 lost the house to a tax sale because he refused to
14 pay the property taxes, but he eventually caught up
15 on that.

16 Q. Did you ever pay the property tax using
17 a money order?

18 A. That could possibly be. It would be a
19 money order that David would have given me.

20 Q. Would you have sent the money from
21 Camas, Washington?

22 A. No. That is that other guy earlier I
23 talked about.

24 Q. But you don't recall ever sending a
25 money order from Camas?

1 A. No, I did not send one from Camas.

2 Q. And you mentioned that they might have
3 had, David Gould and Jane Polinder might have had
4 another rental property in the early 2000s?

5 A. They had another house in Bellingham on
6 the east side of the freeway. It seems like it was
7 off of Lakeway Drive back there. I don't know the
8 address of it. There was another home. That's where
9 I initially met them. That was their initial primary
10 home, and while they were in Costa Rica, there was a
11 renter in that home too.

12 Q. Do you know if there were --

13 A. Gerard Street? Gerard Street address
14 of some kind.

15 Q. Do you know if there was a renter in
16 that home when they were not in Costa Rica?

17 A. I have no idea.

18 Q. How do you know there was a renter in
19 that home when they were in Costa Rica?

20 A. Because that lady called me one night
21 when the hot water stopped working, and I had to go
22 try to light her pilot light in the underneath and
23 the crawl space, and I started the crawl space on
24 fire and then she moved out shortly thereafter. She
25 was not happy. It was funny.

1 (Exhibit-5 marked.)

2 Q. Please take a look at what's been
3 marked as Exhibit-5, JP00014 and 15. Do you
4 recognize this document?

5 A. Not directly. I recognize my signature
6 as the trustee.

7 Q. So that is your signature in the middle
8 of the page?

9 A. It is.

10 Q. Do you know who Jack Wells is?

11 A. I would speculate that Jack Wells and
12 Charlotte are probably one of the people that bought
13 a lot to build a house on.

14 Q. One of the lots on the property?

15 A. Shauna.

16 Q. 6109 Evergreen?

17 A. Yeah, that's speculation on my part. I
18 could go do research and find out, but I'm not sure.

19 Q. You don't recall this transaction
20 specifically?

21 A. No.

22 (Exhibit-6 marked.)

23 Q. Exhibit-6 is JP00016 and 17. Let's
24 take a look at what's been marked as Exhibit-6. Do
25 you recognize this document?

1 A. Other than my signature as the trustee,
2 no, it's been too long ago for me to remember that,
3 2003.

4 Q. Again, you don't remember, specifically
5 remember what transaction this might be?

6 A. I do not.

7 Q. You don't -- do you know if you ever
8 met Jack Wells?

9 A. I don't think so. I met a lot of
10 people who live in Ferndale. I've been there a long
11 time, but specifically Jack, Mr. Wells, I don't know.

12 Q. How would your signature have appeared
13 here? Would David Gould have handed you this
14 document and asked you to sign it?

15 A. Quite possibly, yeah, I'd almost --
16 yeah.

17 Q. Is there any other way where your
18 signature would have gotten on there?

19 A. The way this primarily worked is he'd
20 have me meet him someplace. This was Chicago Title,
21 so it was probably meet me at Chicago Title, I have
22 paperwork I need to get signed. And I'd go down
23 there and I'd sign paperwork.

24 Q. Would you ever question --

25 A. Oh, yeah, it started growing all the

1 time. It's, you know, I never had control. The some
2 control I had, it was the pen on the piece of paper,
3 and it was become obvious to me that he had no intent
4 of relinquishing any kind of control. He was using
5 me as a patsy.

6 (Exhibit-7 marked.)

7 Q. Exhibit-7 is JP00012 and 13. Do you
8 recognize this document?

9 A. Again, no, I do not.

10 Q. But that is your signature on the first
11 page?

12 A. That is my signature on the front page,
13 yes.

14 Q. And you don't recall in March of 2003
15 this transaction with these three lots?

16 A. Honestly, no, I do not.

17 (Exhibit-8 marked.)

18 Q. Exhibit-8 is JP00009 through 11.
19 Please take a look at what's been marked as
20 Exhibit-8.

21 A. Okay.

22 Q. Have you seen these documents before?

23 A. Not to my memory, no.

24 Q. Do you know why on the first page under
25 declarants, there would be your name?

1 A. Oh, that's not my writing. My printing
2 is far worse than that.

3 Q. Do you know why your name would appear
4 there, though?

5 A. I can only speculate. Would you like
6 me to speculate?

7 Q. Yes.

8 A. I would only speculate on this date,
9 David couldn't get ahold of me, so he put my name on
10 it.

11 Q. But you don't recall seeing these short
12 plat documents?

13 A. In the stack is my signature.

14 Q. Where is your signature?

15 A. On page 2 under declaration, it's
16 faint, but that looks like my signature because the
17 TTE looks like my TTE. So on that page, that's my
18 signature. What would this have been for, and why is
19 it called the Baycor short plat? It should be the
20 Shauna short plat.

21 Q. Does this pertain to the same property
22 as the Shauna short plat?

23 A. It does, because if you look on page 3,
24 the Shauna short plat has one, two, three lots and
25 now they're calling Baycor short plat 1, 2, 3 as the

1 two front lots, the two fronting Thornton Road and
2 the one where his house is at, which is lot number 1.
3 I don't remember Baycor short plat. It doesn't mean
4 anything, but I don't remember that.

5 Q. So lot number 1, is that 6109
6 Evergreen?

7 A. Right, that's the original farmstead
8 house. That's where David lived.

9 Q. And on the last page of Exhibit-8, lots
10 2 and 3 --

11 A. Those used to be the front yard and
12 then now there's two houses live there.

13 Q. So you see above lot 1, it says Shauna
14 short plat?

15 A. Correct.

16 Q. 3?

17 A. Yes.

18 Q. Do you know if he had made something,
19 the other parts Baycor and --

20 A. By looking at this, that looks to be
21 what it is. Baycor Construction is his construction
22 company. I don't remember how this would have got
23 over to Baycor.

24 Q. Okay.

25 A. Because it was my understanding Shauna

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1 short plat was the whole six lots counting the house.

2 I don't know.

3 (Exhibit-9 marked.)

4 Q. Please take a look at what's been
5 marked as Exhibit-9.

6 A. Yeah, I don't remember the conversation
7 that changed that. I have no idea. You pointed. I
8 was trying to answer a question here.

9 MR. BUTLER: Off the record.

10 (Discussion off the record.)

11 MR. BUTLER: Back on the record.

12 Q. So is that your signature on the first
13 page of Exhibit-9?

14 A. It is.

15 Q. Do you recall, have you seen these
16 documents before?

17 A. Before my signature being there, I am
18 sure I have seen them before, all of these, but I
19 don't remember these specifically, no.

20 Q. Do you know what Goldstar Enterprises
21 is?

22 A. No. Where is that at?

23 Q. If you look at the first page of
24 Exhibit-9 under where it says Statutory Warranty
25 Deed, it says, "The grantor, Patrick Shannon, trustee

1 of the Brookline Properties, a common law
2 unincorporated business organization, for and in
3 consideration of \$10 and other valuable consideration
4 in hand paid, conveys and warrants to Goldstar
5 Enterprises Incorporated."

6 A. I have no idea what that is. I have
7 never heard him even talk about that. Not
8 surprising.

9 Q. In March of 2006, you don't recall
10 signing this deed specifically?

11 A. No. I guess the person who should have
12 known, I should keep records of that, but I didn't
13 keep any records on that.

14 (Exhibit-10 marked.)

15 Q. Exhibit-10 is JP00066 and 67. Take a
16 look at what's been marked as Exhibit-10.

17 MR. LUKOFF: Can you give us a moment
18 to review it?

19 MR. BUTLER: Sure, we can go off the
20 record.

21 (Discussion off the record.)

22 MR. LUKOFF: Let's go back on the
23 record.

24 Q. Do you recognize this document?

25 A. I do not. It's on the first page,

1 page 1, all that is my handwriting. I can speculate
2 because that first page is the format at the Whatcom
3 County recorder's office that you have to fill out to
4 file a document. So I would speculate that I was
5 given page 2 by David and asked to go down and file
6 it, and he would have had all the information for me
7 for page 1 written on some note someplace that I
8 don't have access to or know where it's at.

9 And this is purely -- this is going
10 down and filing a document. That's what it is. My
11 name isn't -- or my signature is not on page 2, but
12 I'm the one obviously who filed this with the county.

13 Q. At the top right of the first page is a
14 date there, May 1, 2009.

15 A. Right.

16 Q. So was that the date that you think you
17 might have filed this?

18 A. Well, that's exactly the date it would
19 have been filed. That's the county seat's stamp.

20 Q. So you were still the trustee of
21 Brookline Properties in 2009?

22 A. I don't know that for certain, no. I'm
23 thinking that what this is, I don't remember the
24 exact date and time I told him to stuff it and run,
25 but this is something I may have run down and filed

1 for him. I don't think I was the trustee of anything
2 here. I don't know. I can't remember.

3 Q. Do you know what Financial Concepts
4 Limited is?

5 A. Colton, Washington? I do not
6 specifically know who Financial Concepts Limited is.
7 Where is Colton? I don't know where Colton is. The
8 other guy is in Camas.

9 Q. Can you look on the second page of
10 Exhibit-10, please?

11 A. Yes, sir.

12 Q. And down toward the bottom it says,
13 "Affiant: P. Kelly, authorized representative,
14 Financial Concepts Limited"?

15 A. I do not know who Mr. Kelly is.

16 Q. Is that your handwriting there?

17 A. No, sir.

18 Q. Do you know if that's David Gould's
19 handwriting?

20 A. I don't know that either. I don't know
21 what that is. That's not mine.

22 Q. You don't know who Pete Kelly is?

23 A. I don't know who Pete Kelly is and I
24 don't have any recollection of who Financial Concepts
25 is.

1 MR. BUTLER: Okay.

2 (Exhibit-11 marked.)

3 MR. BUTLER: Exhibit-11 is JP00068 and

4 69. We can go off the record while they review it.

5 (Discussion off the record.)

6 MR. LUKOFF: I think we're ready to go
7 back on the record.

8 Q. Do you recognize Exhibit-11?

9 A. It is a document that I filed the same
10 day obviously because they're dated the same as
11 Exhibit-10.

12 Q. That's your handwriting on the first
13 page?

14 A. On page 1, yes.

15 Q. On the second page there in the middle,
16 it says, "Debtor: Brookline Properties," and then
17 under that, "By: A. Michaels, authorized
18 representative for Brookline Properties."

19 A. Yeah.

20 Q. "Debtor's signature."

21 A. That's not -- that is A. Michael's
22 signature.

23 Q. Do you know who A. Michaels is?

24 A. I do not. This looks --

25 MR. LUKOFF: Let him finish his

1 question.

2 THE WITNESS: Oh, I'm sorry.

3 Q. You do not know who A. Michaels is?

4 A. I do not.

5 Q. So whose signature is that?

6 A. I'm assume that's A. Michaels'

7 signature.

8 Q. And what were you going to say?

9 A. This looks like the -- I'm speculating,
10 but this looks like the paperwork that got filed
11 sometime after I told David I could no longer help
12 him out, I could no longer do anything for him. I
13 betcha that's the new trustee of Brookline
14 Properties.

15 Q. But after you told him you couldn't do
16 anything for him, you were still filing paperwork for
17 him?

18 A. I'm pretty sure it was in an attempt to
19 get as far away as I could. I betcha that's who that
20 guy is.

21 Q. I didn't understand your previous
22 answer, though.

23 So you filed paperwork for him so you
24 could get as far away from him as you could?

25 A. Well, it looks like these, and I don't

1 even know what these are, so we've got a --

2 Q. Exhibits-10 and 11?

3 A. Right, Exhibits-10 and 11. Going down
4 and filing paperwork at the county, lots of people do
5 that, and I'm -- I don't remember when the argument
6 between my wife and I occurred, but there was quite a
7 row about me no longer doing anything for him. And
8 this was probably right close to one of the last
9 things I did for him. Get somebody else on it and me
10 away from it.

11 Q. On the second page of Exhibit-11, could
12 you turn to that, please.

13 A. Yup.

14 Q. At the top left there, it says,
15 "Debtor: Brookline Properties 3510 NE Third Avenue,
16 number 100-233A, Camas, Washington, 98607."

17 Are you familiar with that address?

18 A. Not the address specifically, but I am
19 familiar with Camas, Washington, because that was my
20 understanding early on, was the person who created
21 the document that we're talking about, Brookline
22 Properties.

23 Q. That's where that person --

24 A. In Camas. So I'm betting this is that
25 address. This is where he went next, back to the

1 original creator.

2 Q. By "he," you mean David Gould?

3 A. David Gould, yeah.

4 Q. Again, you don't know anything about
5 Financial Concepts Limited?

6 A. No, I don't. I'm sorry.

7 Q. So you don't know if Financial Concepts
8 Limited actually paid Brookline Properties any money
9 for any part of the property at 6109 Evergreen Way?

10 A. No. I would venture this, if you would
11 like me to speculate.

12 Q. Sure.

13 A. I would venture that what David's
14 attempt here, and I don't know if the documents
15 support it, but he was a proponent of if he had a
16 piece of property or if he had control of property
17 and he wanted to make sure that it was tied up so
18 nobody else could lien it, he would find somebody
19 else to lien it for the value, and he would work some
20 sort of an agreement with them to lien that so that
21 there would be a first lien position holder on the
22 property that couldn't be moved.

23 Q. And how --

24 A. I betcha -- I'm speculating that that's
25 possibly what that is. I don't believe -- I don't

1 know if there was money that went back and forth,
2 but, you know, David was not the kind of person that
3 gave money for sure.

4 Q. Okay.

5 MR. LUKOFF: May I interject for just a
6 moment?

7 MR. BUTLER: Yes.

8 MR. LUKOFF: How do you know what you
9 just said?

10 THE WITNESS: I heard him talking about
11 it. That's what I know.

12 MR. LUKOFF: Okay.

13 THE WITNESS: As --

14 MR. LUKOFF: That wasn't clear. I just
15 wanted you to say that for the record.

16 Q. Did he talk to you about that?

17 A. Oh, yeah. He tried to talk to me about
18 all kinds of things. That would be one of his ways
19 of trying to tie up property. If there was no value
20 left for somebody, you know, they had a lawsuit
21 against him or something, there was no value and it
22 was all liened value and there was no value there,
23 then they wouldn't go after the property. I don't
24 know how exactly you would make that work, but that
25 would be something David would -- has talked about

1 and would attempt.

2 Q. Other than the documents you've seen
3 here today in the exhibits that we've gone over, did
4 you ever sign or execute any other document on
5 Brookline Properties' behalf?

6 A. Not to my knowledge. I mean, these
7 ones I can't even remember doing, it's been so long
8 ago.

9 Q. Apart from documents on Brookline
10 Properties' behalf, did you ever sign any documents
11 on behalf of David Gould?

12 A. In his own person?

13 Q. Yes.

14 A. Not to my knowledge, no.

15 Q. And on behalf of Jane Polinder?

16 A. Even less of a possibility there. I
17 don't believe I did anything for them personally.

18 Q. Are there records related to Brookline
19 Properties that exist that you do not have that David
20 Gould maintains?

21 A. When David Gould fled the country, he
22 came by my house and he had a bunch of bankers boxes
23 that he dropped in my barn because he wanted to store
24 stuff. I didn't know he was leaving the country, and
25 I thought because he was moving stuff in and out of

1 his house and away from his wife and kids or they
2 were moving, that he needed to place to store stuff.
3 So he left two or three bankers boxes at my house.
4 Then he fled and then he was gone.

5 Those bankers boxes, minus what you see
6 that I brought you, I've given to Jane since the
7 first of the year. And at the end of last year she
8 came to me looking for any paperwork that David may
9 have left behind. So if there is anything, there's
10 bankers boxes full of I-don't-know-what, because I
11 never looked in them, that she has possession of. I
12 don't know what they are in there.

13 Q. Do you know if Brookline Properties
14 still exists?

15 A. Not to my knowledge.

16 Q. Do you know when it stopped being
17 active?

18 A. I don't know. It would be sometime
19 past the date of Exhibit-10 or 11.

20 Q. Sometime past 2009?

21 A. Yeah. I would speculate, yeah.

22 Q. You saw before something referring to
23 Director of Excalibur?

24 A. Right.

25 Q. Do you know if that is different than

1 Excalibur Industries?

2 A. No, not specifically. Director of
3 Excalibur is like I showed you on this document, it's
4 a private religious corporation sole, whatever the
5 hell that is. Excalibur Industries, I don't know
6 what that is. I'm sure he probably used the same
7 name and recycled it into something else.

8 Q. Do you know who Louise Johnson is?

9 A. No.

10 Q. Are you familiar with a lawsuit and
11 judgment against you as agent for Excalibur
12 Industries in 2002?

13 A. Louise Johnson? She was the renter who
14 I lit the crawl space on fire and smoked her out.

15 Q. Were you aware that she sued you?

16 A. No. I never went to court or anything
17 like that, to my recollection.

18 MR. LUKOFF: Were you ever served?

19 Q. Please take a look at what's been
20 marked as Exhibit-12.

21 (Exhibit-12 marked.)

22 MR. LUKOFF: Can we go off the record
23 for a moment?

24 MR. BUTLER: Yeah.

25 (Discussion off the record.)

1 MR. BUTLER: Back on the record.

2 Q. Have you ever seen the documents that
3 comprise Exhibit-12?

4 A. Not to my knowledge, no. I do remember
5 this being the tenant, but these specific documents,
6 no.

7 Q. Louise Johnson was a tenant where?

8 A. I believe she lived in the house on
9 Gerard Street. She was the other tenant in
10 Bellingham or the tenant in Bellingham. There was
11 one in Ferndale.

12 Q. She was the one where you had to
13 assist?

14 A. Yes.

15 Q. On the second page of Exhibit-12, up on
16 the top right there next to DEF 02 is Excalibur
17 Industries, and below that Patrick Shannon, agent,
18 5353 Olson Road, Ferndale, Washington. Is that your
19 address?

20 A. That is my address.

21 Q. Are you familiar with Excalibur
22 Industries at all?

23 A. No, that's obviously one of David's
24 things.

25 Q. At that address there's no Excalibur

1 Industries?

2 A. Oh, God, no.

3 (Exhibit-13 marked.)

4 MR. LUKOFF: May we go off the record.

5 MR. BUTLER: Yes.

6 (Brief recess.)

7 MR. BUTLER: Go back on the record,
8 please.

9 Q. Are you familiar with Exhibit-13?

10 A. I am.

11 Q. What is it?

12 A. Well, it says that it's a private
13 religious corporation sole.

14 Q. These are the articles of incorporation
15 for Director of Deerbrook?

16 A. Right.

17 Q. Which is a private religious
18 corporation sole. Let's take a look at the second to
19 the last page.

20 A. Okay.

21 Q. Is that your signature there toward the
22 top under where it says, "Patrick Shannon,
23 secretary"?

24 A. Yeah, that is me.

25 Q. And on the last page --

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1 MR. LUKOFF: May I interrupt and go off
2 the record for a moment?

3 MR. BUTLER: Well, let me just finish
4 this question.

5 Q. Is that your signature on the last page
6 of the document in two places at the top and in the
7 middle?

8 A. In two places, yeah.

9 MR. BUTLER: Let's go off the record.
10 (Discussion off the record.)

11 MR. BUTLER: Let's go back on the
12 record. Could you please read back the last question
13 and response.

14 (Record read as requested.)

15 MR. BUTLER: Thank you.

16 Q. What was the purpose of Director of
17 Deerbrook?

18 A. I believe at the time my mom had found
19 out something about this type of thing, probably
20 through David, and the original concept was to
21 create, for lack of a better description, a church
22 organization where she could do like giving stuff,
23 helping people out.

24 To my knowledge, after it was filed, I
25 remember driving with her to go file it. We didn't

1 know what you did with it or how to do anything with
2 it, so it set in a file and to my knowledge there's
3 never been anything done with it past its original
4 creation and file date.

5 Q. Is Sharon Robertson your mother?

6 A. She is.

7 Q. Who is Glenn Stoll?

8 A. Don't really know. I assume he's a
9 friend of David's. He's the one that I think
10 probably created this. Speculation on my part.

11 Q. How did your mother know David Gould?

12 A. Probably because I introduced her to
13 him.

14 Q. When was that?

15 A. It would be the early '90s after '91,
16 '92, somewhere in there. This was created in '96, so
17 somewhere prior to that and after me meeting David.

18 Q. What was your role as Director of
19 Deerbrook?

20 A. By the paperwork, I was the secretary.

21 Q. Did you ever do any work on behalf of
22 Director of Deerbrook?

23 A. I don't think Director of Deerbrook
24 ever did any work.

25 Q. On the first page of Exhibit-13, down

1 at the bottom there, the bottom paragraph that says,
2 "Know all men by these presents that Sharon Robertson
3 is the duly appointed and qualified director
4 (overseer) of Deerbrook DBA 3R Industries."

5 A. Uh-huh.

6 Q. Did Director of Deerbrook do business
7 as 3R Industries?

8 A. Again, I don't think Deerbrook did any
9 business. Her company was 3R Industries and she was
10 making money. You've seen, I think maybe you took
11 copies, or not, of the one bank statement -- or not
12 bank statement, corporation statement, financial
13 statement. She was making money and she wanted to
14 find a way that she could donate money, and I think
15 this is how she was going to try to do that.

16 Q. Do you know why in 2000, Director of
17 Deerbrook issued to Baycor Development three checks
18 totalling \$10,000?

19 A. No. I'd like to see those. I have no
20 idea.

21 Q. Were you aware that Director of
22 Deerbrook did that, paid Baycor Development \$10,000?

23 A. I would have to speculate that maybe
24 David -- I don't know how that happened. I'd have to
25 see the documents. I don't know.

1 (Exhibit-14 marked.)

2 MR. LUKOFF: Can we go off the record
3 to review this document?

4 MR. BUTLER: Yes.

5 (Discussion off the record.)

6 MR. BUTLER: Back on the record.

7 Q. Have you seen Exhibit-14 before?

8 A. Yeah, because I have it in my
9 possession. I brought it to you.

10 Q. Do you know why this was sent to
11 Director of Deerbrook, Patrick Shannon, 5353 Olson
12 Road?

13 A. I'm pretty sure my mother, Sharon
14 Robertson, had given money and if I -- I may not have
15 it all together here, but she got into something with
16 First American Bank, like it was a tribal bank of
17 some kind, and she put money, or was told if she
18 invested this, she would get that. And in the end,
19 she ended up with nothing and didn't get her money
20 back.

21 And during their investigation,
22 Department of Justice's investigation, I'm pretty
23 sure this is them trying to get her her money back.
24 I don't remember if she ever got her money back.

25 Q. Do you know why this would have been

1 sent to you?

2 A. If it would have been wired to me?

3 Q. No, why this letter would have been
4 sent to you.

5 A. Probably because I was secretary and I
6 tried to do everything she wanted me to do. The
7 other documents, the supporting documents as to why
8 the money went out, I don't know where those are or
9 what they would look like.

10 So, you know, she lives in Canada, she
11 was a Canadian citizen. So she was having me
12 probably take her money and send it. And then when
13 the lawsuit came against these people, her name or
14 this organization, Director of Deerbrook, was in the
15 investment there and they tried to get her money back
16 to her.

17 Q. Do you know who Owen K. Stephenson is?

18 A. I do not. I can go look the court case
19 up, but I don't remember who he is.

20 Q. Do you know who Ronald G. Sparks is?

21 A. Not specifically, no, I do not know.

22 Q. You are familiar with 3R Industries?

23 A. I am.

24 Q. That's your mother's company?

25 A. Yeah, it's my mom's company, yeah, what

1 it was, yeah.

2 Q. When did she start it?

3 A. I think in '89. I think that's what
4 the document there says.

5 Q. Did you have any role at 3R Industries?

6 A. Everything from bottle washer to chief
7 gopher.

8 Q. You had said that you worked for 3R
9 Industries in the early '90s?

10 A. Yeah, anything she wanted me to do to
11 help her get product out the door, if she wanted me
12 to go help her with trade shows, I would go do that,
13 whatever she wanted me to do. It was her company.

14 Q. Did you earn income from 3R Industries?

15 A. That was a huge bone of contention.
16 No.

17 Q. Was David Gould associated with 3R
18 Industries?

19 A. Inasmuch as he knew my mom owned it,
20 no. I think he probably initially -- you know, if
21 you look back on it, he probably looked at it as
22 here's a lady who has a company with money and he
23 would like to plunder that.

24 Q. Do you know who Marilyn Majeske is,
25 M-A-J-E-S-K-E?

1 A. Not off the top of my head, no. I
2 don't.

3 Q. Are you familiar with Freedom
4 Ministries International?

5 A. No.

6 Q. Do you know who Thomas Fisher is?

7 A. No.

8 Q. Are you familiar with Whatcom Electric
9 and Plumbing?

10 A. Absolutely.

11 Q. What is that?

12 A. Whatcom Electric, I don't know about
13 the plumbing part, Whatcom Electric rebuilds starters
14 and stuff in Bellingham. Whatcom Electric and
15 Plumbing I think is probably a subcontractor that
16 probably does electric and plumbing.

17 Q. Do you know if David Gould ever worked
18 for Whatcom Electric or Whatcom Electric and
19 Plumbing?

20 A. I don't know, no.

21 Q. Do you know who John Meenk, M-E-E-N-K,
22 is?

23 A. No.

24 Q. Do you know why Whatcom Electric and
25 Plumbing would have paid Director of Excalibur

1 \$13,241?

2 A. Not even close, no.

3 Q. Are you familiar with Pacific Rim
4 Trading?

5 A. I've heard David mention it, but only
6 inasmuch as it was probably a name drop of an
7 investment trading company. I mean, I've heard the
8 name.

9 Q. Are you familiar with Canvasback
10 Systems?

11 A. Absolutely. I think I brought that
12 with me.

13 Q. Before getting to the document, can you
14 tell me how you're familiar with that?

15 A. I think it was one of David's
16 businesses. I mean, I know it was one of David's
17 businesses. I can't remember exactly what it did.

18 Q. How do you know it was one of his
19 businesses?

20 A. Because he talked about it and I found
21 it in a pile of crap that I have that's his.

22 (Exhibit-15 marked.)

23 MR. LUKOFF: Can we go off the record?

24 MR. BUTLER: Sure.

25 (Discussion off the record.)

1 MR. BUTLER: Back on the record.

2 Q. Do you recognize Exhibit-15?

3 A. Inasmuch as it was in one of the
4 documents I brought you, yes.

5 Q. Do you know what it is?

6 A. By it's face, it says it's an agreement
7 and contract. About what and to who, I don't know.

8 Q. On the first page of Exhibit-15, do you
9 recognize the signatures at the bottom?

10 A. No.

11 Q. Look at the second page.

12 A. I bet on the first page, the first
13 party, the second first party looks like it's
14 probably Steven Duke, who is on page 2, maybe. I
15 can't tell if the first signature looks like a Victor
16 Perry.

17 Q. Do you know who Steven Duke is?

18 A. I don't know who either one of them
19 people are.

20 Q. On the second page at the top, does
21 that look like David Gould's signature?

22 A. That is David Gould's signature.

23 Q. You said that Canvasback Systems was
24 one of David Gould's entities?

25 A. Yes.

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1 Q. So he owned the entity or he worked for
2 the entity?

3 A. I'm pretty sure if you were to get him
4 to tell the truth, he owned it.

5 (Exhibit-16 marked.)

6 Q. Let's take a look at what's been marked
7 as Exhibit-16.

8 A. Uh-huh.

9 Q. Have you seen this before?

10 A. Only inasmuch as it was in the file
11 folder I brought you.

12 Q. Do you have any idea -- well, were you
13 involved in Brookline Properties sending this check
14 to US Home Loans in August of 1998?

15 A. I'd have to do a timeline on all them
16 documents I signed to find out if I was even part of
17 it then, but if I was part of it, me touching the
18 check is probably handing it across a table to
19 somebody when somebody give it to me.

20 Q. Do you know why Brookline Properties
21 would have paid \$1,075.48 to US Bank Home Loans in
22 1998?

23 A. No, no. It's about the right amount of
24 money for a loan payment. I don't know if there's
25 any of the loans that are in them documents that are

1 of the same date. I have no idea.

2 Q. You don't know if that was a mortgage
3 payment?

4 A. I do not know.

5 (Exhibit-17 marked.)

6 Q. Take a look at what's been marked as
7 Exhibit-17. Do you recognize this document?

8 A. Same as the last document. It was in
9 the file folder that I brought you.

10 Q. But you don't know what it's about?

11 A. I do not know what it's about, no.

12 Q. Up at the top right it says, "Date
13 prepared," and it looks like 10-18-99?

14 A. It does.

15 Q. At that time were you familiar with
16 Brookline Properties having anything to do with
17 foreclosure?

18 A. Not specifically, no, I don't remember
19 a foreclosure.

20 Q. Then --

21 A. To my knowledge, everything was trying
22 to improve the Shauna short plat.

23 MR. LUKOFF: May we go off the record?
24 I'd like to speak to my client for a moment.

25 MR. BUTLER: Yes.

1 (Exhibit-18 marked.)

2 (Discussion off the record.)

3 Q. Let's take a look at what's been marked
4 as Exhibit-18.

5 A. Okay.

6 Q. Have you seen these receipts before?

7 A. I've seen these receipts in the file
8 folder I brought today. I don't know what they're
9 for. Obviously by reading them, they're US Home
10 Loans. Not my handwriting.

11 Q. Do you know whose handwriting that is
12 on these?

13 A. I can only speculate that it's most
14 likely David's. I don't think it would be Jane's.
15 It could have been Jane's. It's not mine.

16 Q. Do you know why in December of 1998
17 Brookline Properties would have sent these money
18 orders to US Bank Home Loans?

19 A. You've got Exhibit-16 here, with a
20 total of a 1,075.48 and you have three money orders
21 that total 1,075.48.

22 Q. So it looks like it might be for the
23 same type of payment?

24 A. It might be for the same thing. I
25 think Exhibit-16 is the receipt for Exhibit-18.

1 Q. Except they're different dates, but --

2 A. Yeah, you know, August 13, the bank
3 sending that August 13th, I don't know -- I mean,
4 that's just the thing that I noticed.

5 Q. Okay.

6 (Exhibit-19 marked.)

7 Q. Take a look at what's been marked as
8 Exhibit-19.

9 A. Look, that's the same amount.

10 Q. Have you seen these before?

11 A. They came in the same envelope as the
12 previous ones. They sum total the same as the
13 previous check cashing store stuff, money orders. I
14 don't even know who they're to because they're not
15 filled out. I don't know.

16 Q. But you don't recall having anything to
17 do with Western Union money orders for Brookline
18 Properties?

19 A. I do not remember. I remember he did a
20 lot of stuff with money orders.

21 Q. David Gould?

22 A. David, yeah, I remember doing David
23 doing a lot of stuff with money orders. It wouldn't
24 be unknown, I guess it's possible I could have stuck
25 something in an envelope for him and put a stamp on

1 it.

2 Q. Okay.

3 (Exhibit-20 marked.)

4 Q. Take a look at what's been marked as
5 Exhibit-20. Have you seen this before?

6 A. It again came in the documents I
7 brought you. I don't know who PNC MNT is, but that
8 the Jane Polinder's name.

9 Q. Do you know why Jane Polinder might be
10 sending \$700 to PNC something?

11 A. Probably under the direction of David.

12 Q. But you don't have any independent
13 knowledge of that?

14 A. I don't have any independent knowledge,
15 no, of why that would happen.

16 (Exhibit-21 marked.)

17 Q. Please take a look at what's been
18 marked as Exhibit-21. Have you seen this before?

19 A. I brought it with the documents that I
20 provided. It was in there I think as probably one of
21 the tax notices, property tax notices that were in
22 the envelopes still.

23 Q. The property tax notice for 2450
24 Thornton Street?

25 A. Right.

1 Q. In 2003, did you have any role in
2 paying the property tax for that property?

3 A. Inasmuch as I knew it had to be paid
4 and he was going to lose the property if he didn't
5 pay the taxes, I didn't have access to any money to
6 pay the taxes, so it would be up to him to have done
7 it.

8 Q. By "him" you mean David Gould?

9 A. David Gould, yeah.

10 (Exhibit-22 marked.)

11 Q. Please take a look at what's been
12 marked as Exhibit-22.

13 A. Okay.

14 Q. Have you seen this before?

15 A. It came with the documents I brought
16 you. It's got my name on it.

17 Q. On the first page of Exhibit-22 --

18 A. Right.

19 Q. -- this says, "Patrick Shannon,
20 Brookline Properties, 5353 Olson Road."

21 Again, that is your address?

22 A. That is my address.

23 Q. Do you recall receiving this letter?

24 A. I don't recall receiving it. The topic
25 of the letter is about an easement from Puget Sound.

1 I remember he had to put up street lights.

2 Q. David Gould?

3 A. David Gould, yeah, to finish his
4 improving of the lots there, the Shauna short plat.

5 Q. Do you know why this was sent to you?

6 A. Oh, no doubt that David talked to them
7 and gave my name and address. That's the easiest way
8 for me to get it and stick it in a file folder.

9 Q. Were you involved in these emails at
10 all that pertained to the easement?

11 A. Not in any way of the planning or the
12 paying for or anything. I do remember the
13 conversation, it being one of the things that was
14 holding up the improvements of the property.

15 (Exhibit-23 marked.)

16 Q. Please take a look at what's been
17 marked as Exhibit-23. Have you seen this before?

18 A. It came from the documents that I
19 brought to you today. I signed it in the bottom
20 right.

21 Q. Do you recall signing this on May 3,
22 2006?

23 A. No. I wish my memory was that good.

24 Q. Do you recall Jane Polinder obtaining a
25 loan from Brookline Properties for \$5,000?

1 A. I can imagine that this conversation
2 happened in David's house. The actual transaction
3 and the money moving, I have no assurance or
4 knowledge of. I can imagine it happened. I don't
5 remember. Having no control over the money, I don't
6 know.

7 Q. Did you apply for an MYICIS debit card
8 or comparable card and place \$5,000 on the card for
9 Jane Polinder's use?

10 A. I imagine what would have happened is
11 David would have had an application for MYICIS. I
12 don't know what that is, and he would have had
13 whatever funds' ability to pay for that. And if
14 there's a signature on an application for a debit
15 card, it may be mine, but David would have funded it.
16 I don't remember ever -- again, I never had money
17 access here.

18 Q. Okay.

19 A. So what that is, I don't know what
20 MYICIS is.

21 MR. BUTLER: Mr. Colvin, do you have
22 any questions for Mr. Shannon?

23 MR. COLVIN: Could we take a quick
24 break?

25 MR. BUTLER: Sure.

1 (Brief recess.)

2 MR. BUTLER: Back on the record.

3

4 E X A M I N A T I O N

5 BY MR. COLVIN:

6 Q. My name is John Colvin. I'm the
7 attorney representing Jane Polinder and I just had a
8 couple of follow-up questions.

9 A. Okay.

10 Q. When you agreed to take the role of
11 trustee of the Brookline trust, what was your
12 understanding what that trust was?

13 A. My understanding was that Jane and the
14 children were the beneficiaries and it was supposed
15 to be my purpose to make sure that the trust assets
16 were retained for the beneficiary of the trustees --
17 or for the beneficiary of the beneficiaries.

18 Q. And what did you understand the trust
19 assets were?

20 A. The Shauna short plat, the house and
21 the lots that were around the house.

22 Q. Were you ever aware that there may have
23 been other property or money in the trust?

24 A. No.

25 Q. You indicated at some point you became

1 concerned that David was not acting correctly with
2 respect to the trust. What made you feel that way?

3 A. Well, when I first started this, I
4 didn't know what a trustee was supposed to be, and
5 over time, I felt that he was not forthcoming with
6 what his role should have been. If he wanted a
7 trustee, he should have let me have the power to be a
8 trustee, but he never let me have the power. So my
9 understanding was that I was supposed to be able to
10 retain stuff for the benefit of the beneficiaries,
11 but I was unable to do so.

12 Q. Did you ever consider attempting to
13 enforce what you understood might be your rights in
14 that regard?

15 A. Of course, but I didn't have the money
16 to do so and he had access to all the cash in the
17 trust so there's no way I could have litigated
18 anything. So my only option was to tell him to find
19 somebody else because I couldn't do it no more. It
20 just didn't seem like it was to the benefit of the
21 beneficiaries.

22 Q. The reason you couldn't do it, did it
23 have to do with potential exposure on your part to
24 the beneficiaries?

25 A. Yeah, I mean, the beneficiaries were

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1 going to end up losing because he was going to flush
2 all the funds out of this thing and I didn't have any
3 control over the funds. I never did. He wouldn't
4 give it to me.

5 MR. COLVIN: Okay. That's really all I
6 had. Any follow-up?

7

8 E X A M I N A T I O N

9 BY MR. BUTLER:

10 Q. So you started as the trustee,
11 according to one of the documents we looked at, in
12 May of 1998 and you continued through at least 2009,
13 it appears; does that sound right?

14 A. Well, 2009, there were a couple of
15 documents filed, I don't think -- well, maybe at that
16 particular time the name on that document was
17 somebody else, but I'm pretty sure it was prior to
18 that I had quit working for him.

19 Q. About how long prior to that?

20 A. I don't know specifically, but a couple
21 of years prior at least. I pretty much cut him off.
22 He wasn't even allowed to come to my house because
23 every time he showed up, it cost me time.

24 Q. You did file these documents in 2009?

25 A. I did.

1 MR. BUTLER: I have no other questions.

2 Do you have questions you want to put on the record?

3 MR. LUKOFF: I do. It's just to

4 reiterate and to clarify.

5

6 EXAMINATION

7 BY MR. LUKOFF:

8 Q. So when you said that you did not
9 believe you were still the trustee in 2009, you --
10 well, you didn't say the word trustee, but is that
11 what you meant?

12 A. Absolutely.

13 Q. Okay. Filing the documents in 2009,
14 your purpose, you were no longer trustee but why did
15 you file the documents again? You said before, but
16 let's just clarify this.

17 A. To try to put more distance between me
18 and David, anything to get him out of my hair.

19 Q. Okay. So get out of your hair is
20 getting a new trustee who was not you?

21 A. Stop asking me to do things. Okay,
22 I'll file that for you, but leave me alone. Anybody
23 can file paperwork.

24 Q. Okay. You had mentioned that there was
25 some contention between you and your wife around

1 this. Can you elaborate on that a little bit?

2 A. Yeah, pretty much. He spent so much of
3 my time to his benefit, that I was missing time to my
4 wife's benefit. So there was quite -- for a couple
5 of years quite a few arguments over me wasting time
6 dealing with David.

7 Q. Did your relationship with David cost
8 you money?

9 A. In that I didn't get paid and in that I
10 didn't gain anything from it. So directly? I don't
11 think I gave him anything cash-wise.

12 Q. But he never paid you --

13 A. He never paid me anything.

14 Q. -- for the time you --

15 A. No.

16 Q. Okay.

17 MR. LUKOFF: I think those are all the
18 questions I have.

19 MR. BUTLER: I just have a couple more
20 now.

21 E X A M I N A T I O N

22 BY MR. BUTLER:

23 Q. Did you ever resign as trustee of
24 Brookline Properties?

25 A. I'm pretty sure I wrote him an email or

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1 a letter of some kind. I can't remember doing that,
2 but I'm pretty sure there was absolutely a verbal
3 harsh conversation that occurred.

4 Q. With David Gould?

5 A. With David about leaving me the hell
6 alone and don't come at me anymore with this stuff.

7 Q. Is there anything specific that
8 precipitated that?

9 A. His absolute inability to put anybody
10 other than himself first. I was supposed to be
11 helping protect his wife and his kids, and everything
12 he did was to David's benefit.

13 Q. But you continued as trustee for
14 several years, so I'm just wondering if there was a
15 specific event that led you to decide not to do it
16 anymore?

17 A. Just a culmination of this
18 (indicating). You know, I'm supposed to be in
19 charge, and I was not in any way in charge. It
20 became more and more of a bone of contention with my
21 wife that I was nothing more than David's patsy. He
22 needed somebody to sign a piece of paper and I was
23 dumb enough to go do it.

24 Q. When was the last time you spoke with
25 David Gould?

1 A. I don't know. It's been a long time
2 ago.

3 Q. Over five years ago?

4 A. Yeah. It's been a long time, like well
5 over five years. I don't know exactly. It's been a
6 long time.

7 Q. Was the last time you spoke with him in
8 person or over the phone?

9 A. I think the last time I probably spoke
10 to him it was on the phone, as he probably called me
11 from out of the country someplace. And I have a
12 vague recollection of him wanting to get ahold of his
13 daughter, Malaya, and would I help him do it and the
14 answer was no.

15 Q. Do you know his children?

16 A. I knew them pretty well at the very
17 beginning, in the first probably six or eight or ten
18 years of their life, because they were there all the
19 time, but now I probably wouldn't recognize them if
20 they were in the same room with me.

21 Q. Have you communicated with Mr. Gould
22 via email within the last five years?

23 A. I do not believe so, no.

24 Q. When was the last time you saw him
25 physically?

1 A. He was going to Canada, five, six,
2 seven years ago, crossing the border. He was going
3 to go north. I don't know where he was going to go
4 there. I think -- I don't know. I don't know where
5 he was going.

6 Q. When was the last time you spoke with
7 Jane Polinder?

8 A. About two months ago. She came by,
9 called on the phone and wanted to see if I had time
10 for her to come see if there was any more stuff at my
11 house, any more David stuff.

12 Q. Did she tell you why she was looking
13 for those documents?

14 A. She said that she was the subject of a
15 lawsuit and she needed to find anything that was of
16 David's. And having no knowledge that this was going
17 to happen, I went and helped her dig up everything I
18 could find.

19 MR. BUTLER: Okay. Anything else?

20 MR. COLVIN: No.

21 MR. BUTLER: We're done.

22 THE REPORTER: Signature? Do you want
23 to read and sign?

24 MR. LUKOFF: Yeah, I would like to.

25 (Deposition concluded at 12:31 p.m.)

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S I G N A T U R E

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I declare under penalty of perjury under the laws of
the State of Washington that I have read my within
deposition, and the same is true and accurate, save
and except for changes and/or corrections, if any, as
indicated by me on the CHANGE SHEET flyleaf page
hereof. Signed in.....WA on the.....day
of....., 2017.

.....

PATRICK SHANNON

Taken: July 25, 2017

C E R T I F I C A T E

STATE OF WASHINGTON) ss.
COUNTY OF KING)

I, Margaret Walkky, the undersigned Registered Merit Reporter and an officer of the Court for the State of Washington, hereby certify that the foregoing deposition upon oral examination of PATRICK SHANNON was taken before me on July 25, 2017 and transcribed under my direction;

That the witness was duly sworn by me pursuant to RCW 5.28.010 to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript to the best of my ability; that I am neither attorney for, nor a relative or employee of, any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome;

I further certify that in accordance with CR 30(e), the witness was given the opportunity to examine, read, and sign the deposition, within 30 days, upon its completion and submission, unless waiver of signature was indicated in the record.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this date: August 1, 2017.

.....
Margaret Walkky, Registered Merit Reporter
Certified Court Reporter No. 2540 License
expires July 18, 2018